

Attachment C: Draft Amendments to Section 23A-35

Sec. 23A-35 Flexible Lot Development (FLD).

The flexible lot development (FLD) is a development alternative permitted by the Land Use Code (LUC), Chapter 23 of the Tucson Code, in various zoning districts. While the development designator requirements, such as density, building height, setbacks, and lot coverage, are provided in each zone, specific provisions for the design and development of an RCP FLD are found in the LUC, section 3.6.1, and in Development Standard 2-10.0.

1. *Plat required.* Section 3.6.1.3.A.1 (FLD Tentative and Final Subdivision Plat Requirements) of the Land Use Code (LUC) requires all flexible lot developments (FLDs) to be platted. Platting, submittal, and review requirements are described in section 23A- 35.3 or.4 (FLD Platting Procedures) of this chapter and Development Standard 2-10.0.
2. *Architectural Design Plan required.* Section 3.6.1.7.B.1 (Architectural Design Plan Requirements) of the LUC requires all FLDs to submit an architectural design plan. Architectural design plan submittal and review requirements are described in 23A-35.7 of this chapter and in Development Standard 2-10.0.
3. *Privacy Mitigation Plan required.* Section 3.6.1.6.A.2 (Two Story Exception Requirements) of the LUC requires FLDs proposing to locate two story residential units abutting existing single story detached residential that are zoned R-2 or more restrictive to submit a privacy mitigation plan. Privacy mitigation plan submittal and review requirements are described in 23A-35.8 of this chapter and in Development Standard 2-10.0.
4. *Public notice.* Public notice that a flexible lot development (FLD) application has been filed and accepted for review shall be sent within five (5) days after acceptance of the application. The notice shall include information on the plat, such as name; case number; type of development; site size; residential density, if applicable; where the plat can be viewed by the public; and the address and telephone number of the Development Services Department (DSD). Such notice shall contain a sentence indicating that any person may request further notification of actions concerning the FLD. A minimum period of ten (10) working days from the date the notice is sent will be provided for response. The notice shall be sent to the following:
 - a. All owners of property located within one hundred fifty (150) feet of the flexible lot development (FLD) site (any public rights-of-way abutting the FLD site are excluded from the measurement).
 - b. At least two (2) designated representatives of any neighborhood association registered with the city and located within one (1) mile of the flexible lot development (FLD) site.

- c. Any other person determined by the Development Services Department (DSD) director to be affected by the proposed flexible lot development (FLD).
5. *Projects with a Gross Site Area of Five Acres or Less.*
- a. *Tentative Plats.* Tentative plats for FLD projects of five (5) acres or less are reviewed and considered for approval in compliance with Section 23A-51 (Development Services Department Full Notice Procedure). The Design Examiner will review and forward a recommendation to the Development Services Director.
 - b. *Final Plats.* Final plats for FLD projects with a gross site area of five (5) acres or less are reviewed and considered for approval in compliance with Section 23A-33.1 (Subdivision Plat Process – Final plat review)
6. *Projects with a Gross Site Area of More than Five Acres.* Tentative and final plats for FLD projects of more than five (5) acres are reviewed and considered for approval in compliance with Section 23A-33.1 (Subdivision Plat Process).
7. *Architectural Design Plans.*
- a. *FLD Projects in Compliance with Section 3.6.1.7.B (Architectural Design Requirements).* Architectural design plans for FLD projects in compliance with Section 3.6.1.7.B (Architectural Design Requirements) may be approved administratively by the Department of Urban Planning and Design at the time of review and consideration of the building permit.
 - b. *Waivers or Variances to Section 3.6.1.7.B (Architectural Design Requirements).* Architectural design plans for FLD projects requesting a waiver or variance to Section 3.6.1.7.B (Architectural Design Requirements) are reviewed and considered for approval in conformance with the procedure described in Section 23A-52 (Board of Adjustment Full Notice Procedure) with the exception that the Design Hearing Officer will consider approval of the waiver or variance.
8. *Privacy Mitigation Plans.* Privacy mitigation plans will be reviewed and considered for approval in conformance with the procedure described in Section 23A-52 (Board of Adjustment Full Notice Procedure) with the exception that the Design Hearing Officer will consider approval. The Department of Urban Planning and Design director will prepare a recommendation on the proposed plan and forward it to the applicant and Design Hearing Officer.